

ERIKA QUALLS, as next friend for )  
K.R., a minor, )  
 )  
 )  
 *Plaintiff,* )  
 ) **Case No. 2:22-cv-00058**  
 )  
 **-vs-** )  
 ) **JURY DEMAND**  
 )  
 )  
 **HAWKINS COUNTY BOARD OF** )  
 **EDUCATION,** )  
 )  
 )  
 *Defendant.* )

The Plaintiff, Ericka Qualls, as next friend for K.R., a minor, pursuant to Rule 15 Fed.R.Civ.P., files this Amended Complaint, and would state as follows:

1. Plaintiff, Erika Qualls, in her capacity as next friend for K.R., a minor child, brings this action against the Defendant, Hawkins County Board of Education for compensatory damages arising out of racially-motivated peer harassment inflicted against her son, K.R. while enrolled as a student at Church Hill Middle School. As alleged herein, K.R. was regularly subjected to a pervasive, racially-hostile school environment in which he was repeatedly referred to by the “N-word”; subjected to a barrage of other racial epithets, such as “monkey”; shown hate-based depictions of a KKK member holding a torch and noose; taunted as the brunt of a “slave auction”; chased and ridiculed with a stuffed monkey; and shown depictions of African-American caricatures being stabbed and shot. Plaintiff alleges that Hawkins County Board of Education officials knowingly tolerated, condoned, and were deliberately indifferent to the pattern of racial harassment suffered by K.R., thereby depriving him of equal access to

educational opportunity and resulting in severe emotional injury, in violation of Title VI of the Civil Rights Act, 42 U.S.C. §2000(d), *et seq.* In addition, Plaintiff is entitled to compensatory damages, statutory costs and attorney's fees.

## **II. Jurisdiction**

2. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1343 (3 and 4), this action being authorized by 42 U.S.C. §2000(d).

3. Venue for this case is proper in the Eastern District of Tennessee, in that, Plaintiff resides herein and all acts resulting in a violation of K.R.'s civil rights occurred herein.

## **III. Parties**

4. Erika Qualls is an adult citizen and resident of Mount Carmel, Hawkins County, Tennessee.

5. The Hawkins County Board of Education, is a public board of education organized and existing under the laws of the State of Tennessee.

## **IV. Facts**

6. Erika Qualls is the mother of K.R., a minor child.

7. In the fall of 2021, K.R. enrolled in the eighth grade at Church Hill Middle School, a school within the Hawkins County school system located at 211 Oak Drive Church Hill, Tennessee 37642. He is dark complected, and of mixed African-American and Caucasian race.

8. At the time K.R. enrolled as a student at Church Hill Middle School, he was one of less than five African-Americans in a student population of approximately four hundred students.

9. On September 8, 2021, while K.R. was sitting in a classroom waiting for class

to commence when J.S., a white student, walked into the classroom, shoved K.R. while yelling at him: **“fight me, you fucking monkey!”**

10. Stunned, K.R. did not retaliate, and sat down at his desk.

11. Later, on September 8, 2021, while eating lunch in the school cafeteria, the same white student, J.S., yelled at K.R. from across the cafeteria, calling him a **“Nigger bitch!”** The Plaintiff alleges that this incident occurred within hearing distance of school faculty, but no corrective action was taken by any on the school staff.

12. And again, near the end of the school day, J.S. stalked K.R. through the gym and out the back exit of the school building. While K.R. was on his way to football practice. J.S. yelled, **“come back here nigger”** and when K.R. turned around, J.S. slapped him in the face.

13. K.R. began to trying to defend himself against this physical and verbal assault from J.S.

14. Mr. Thomas, a teacher, witnessed the boys fighting and separated K.R. and the white student. J.S. was placed on his school bus and sent home. K.R. was escorted to the office by Mr. Thomas and his football coach Jeremy Jones.

15. By coincidence, at the time this altercation occurred, K.R.’s mother Ms. Qualls, happened to be in the parking lot of the school while K.R. was being escorted around the front of the building to the office. Ms. Qualls, joined K.R. in the office.

16. Once in the office, Ms. Qualls was denied entrance to the office where her son was being interrogated by Assistant Principal Natasha Bice, and instructed to wait outside the office.

17. From where she was seated, Ms. Qualls could overhear that her son was clearly upset. Eventually she was allowed to enter the room to help calm her son.

18. Assistant Principal Bice demanded that K.R. tell her what he said to the white student that the assault, and why K.R. didn't just not walk away. In what appeared as a transparent effort to shift the blame, she also demanded to know what names K.R. called the white student to prompt him to use the "N-word" or to cause him come into his classroom, shove K.R. and call him racial names.

19. Ms. Qualls asked why she was not questioning the white student, and eliciting this information from him. Ms. Qualls also inquired why the other student was allowed to board the bus and leave without being interviewed.

20. The following day on September 9, 2021, Ms. Qualls and her husband received a phone call from the school office requesting that they come to Assistant Principal Bice's office after school so that K.R. could receive his punishment for the incident the prior day.

21. Later on September 9, 2021, Ms. Qualls met again with Assistant Principal Bice and K.R. and inquired what information she obtained from other students or witnesses to the incident. Assistant Principal Bice explained that some of the students reported that after K.R. was threatened, he called the white student a "SPED" (apparently a slang expression used to refer to someone with special educational needs.) Assistant Principal Bice stated that calling someone a "SPED" was the equivalent of calling someone a "nigger".

22. K.R. received two (2) days in school suspension (ISS) and fifty (50) points on his discipline record.

23. The white student that verbally and physically assaulted, with a racial motive, and used racial epithets not once, but twice, received no punishment.

24. Ms. Qualls placed several phone calls to Principal Scott Jones to report this disparate treatment of her son; however, Principal Jones was either unavailable or never returned the phone calls.

25. During the last phone call by Ms. Qualls to the school office regarding the incident and the unfair punishment of her son, she advised that unless she received a call back, she and her husband were considering filing formal charges against the student who had assaulted their son. Principal Jones returned Ms. Qualls's call within ten (10) minutes.

26. Principal Jones reiterated a different version of events, claiming that Assistant Principal Bice informed him that there was video evidence that refuted K.R.'s claims.

27. Ms. Qualls requested to view the surveillance video of the incident, but was advised by Principal Jones to put her request in writing and email it to the school office.

28. After complying with these instructions, Ms. Qualls received a response from the Hawkins County School system's attorney, Chris McCarty. Mr. McCarty denying her request.

29. On March 1, 2022, a drawing depicting an image of a KKK member holding a torch and noose, standing over "Monkey Island", was passed around the school cafeteria.

30. A white student handed the drawing to K.R. as several of his white peers were laughing and mocking the drawing as though they found it humorous.

31. That afternoon, K.R. came home and shared his emotional reaction and frustration with the discriminatory drawing and his fellow students' taunting behavior.

32. Erika Qualls immediately sent an email to Principal Scott Jones, reporting the drawing and expressing concern about the incident and its impact on her son.

33. On March 2, 2022, Principal Jones and Vice Principal Bice met with K.R. and asked him about the KKK drawing. At the conclusion of the interview, Vice Principal Bice apologized to K.R. simply stating that it should never have happened.

34. Principal Jones also apologized, but then quickly changed the subject to a prior incident involving K.R.'s use of certain hand gestures. Principal Jones told K.R. that the hand

gestures exchanged between he and another student were the equivalent of the racist KKK drawing passed around the cafeteria, and were “just as offensive and bad”. He also stated: “It only takes on person to get offended, as you know. But I let it go!”

35. The “hand gestures” Principal Jones referred to had never been addressed with K.R. or mentioned prior to the discussion on March 2, 2022.

36. The message that K.R. took from this meeting with Principal Jones’s “chat” was that he should stop reporting race-related concerns, or he himself could face disciplinary action, regardless of whether it was warranted or not.

37. On March 7, 2022, Ms. Qualls spoke with the Director of the Hawkins County Schools, Matt Hixson about her concerns over the race-related harassment of her son. She also shared her concern about the disparity in disciplinary action taken against her son, as contrasted with the lack of disciplinary action against the white student aggressor.

38. On March 8, 2022, five white students entered the Boy’s Restroom and confronted K.R. One of the students used his cell phone to videotape this encounter, while another student, S.C. chased K.R. out of the restroom holding a stuffed monkey. The video of this assault was posted on Snapchat later that afternoon and distributed to several students in K.R.’s class under the caption: “**Monkey chasing Monkey!**”

39. Ms. Qualls and K.R. reported the video to Matt Hixson, Director of Schools on March 11, 2022. Director Hixson was also made aware of all of the details including time, day, location, and students involved and was provided a copy of the video.

40. Director Hixson told Ms. Qualls and K.R. that school administrators were made aware of the incident and that a full investigation was under way. The Defendant delayed its investigation, however, and did not interview the male student responsible for this racial taunting until several weeks later on May 6, 2022.

41. On March 9, 2022, a white male student approached K.R. in the classroom and showed him a Google slide show that compared the skin color of black people and made reference to K.R. being light-skinned and used the word “**Nigger**”.

42. On March 11, 2022, Ms. Qualls met with Director Matt Hixson and reported that her son felt constantly on guard because of the barrage of racist taunting and attacks. She also shared her concern that these attacks against her son were racially-motivated, and shared with Director Hixson the Snapchat video of her son being chased from the restroom by several white male students.

43. On March 14, 2022, while walking the hallways at Church Hill Middle School, a white male student named P.S. began promoting what he referred to as the “Monkey of the Month Campaign.” According to this school-wide campaign, the student “**who acted the most nigger**” would be elected “**Monkey of the Month.**”

44. The following day, on March 15, 2022, while K.R. was in the Boys’ Restroom, this same student, P.S. entered the restroom and in front of other students began acting a role out loud as a slave auctioneer and pretended to be selling K.R. to the highest bidder.

45. On March 16, 2022, Ms. Qualls sent an email to Director Hixson reporting the “Monkey of the Month Campaign” and the slave auction incident.

46. By March 28, 2022, Ms. Qualls had reported to administrators six (6) racially motivated incidents, in twelve (12) school days.

47. On March 31, 2022, K.R. came home from school emotionally upset. When Ms. Qualls asked her son what was wrong, he shared with her that there were three swastikas painted on the Boys’ Restroom wall.

48. On April 8, 2022, K.R. called his mother from school upset because a white male student had referred to an African-American Special Education child as a “**retarded**

**nigger**". Despite the fact that K.R. reported this reprehensible conduct to school authorities, the student received no discipline.

49. Ms. Qualls met with Director Matt Hixson, Principal Scott Jones, Assistant Principal Natasha Bice, School Administrator Thomas Floyd and the School Board Attorney, Chris McCarty (who participated via video) on April 8, 2022, to view the surveillance video of the incident that had occurred back in September of 2021 involving her son and a white male student. During this meeting, Director Hixson stated that the school administration was "not going to focus on past incidents, but work hard to make sure they didn't have any more racially motivated incidents. He also blamed the COVID-19 epidemic for the outbreak of racial hatred among the students, whom he said spent so much time at home during the pandemic.

50. On April 19, 2022, Ms. Qualls sent Director Hixson a copy of the Snapchat video of her son being racially taunted in the Boys' Restroom, along with accompanying comments by several students. In this email she asked Director Hixson why nothing had been done about these incidents of racial harassment involving her son.

51. The grandson of the Head of Human Resources for Hawkins County Schools created and posted on a shared Instagram account a racially-charged statement: "**We love monkeys.**"

52. On April 20, 2022, Ms. Qualls sent another email to Director Hixson reporting yet another incident of racial harassment involving a student who had continued to tell racist jokes around K.R. and refer to him as "Nigger".

53. Following her email to Mr. Hixson, Ms. Qualls received a telephone call from Principal Jones on April 20, 2022, asking her to come to his office at 1:30 p.m. that afternoon to discuss this newest incident. Ms. Qualls asked Principal Jones where things stood with the



“Monkey of the Month Campaign” and the slave auction incident. Mr. Jones denied any knowledge of these incidents even though Director Hixson had assured Ms. Qualls days earlier these incidents were being investigated.

54. On the afternoon of April 20, 2022, Ms. Qualls met in person with Principal Jones, Assistant Principal Bice, School Administrator Thomas Floyd and K.R. Again, no one at this meeting acknowledged that any prior alert from the central office regarding the racial incidents reported by Ms. Qualls to Directory Hixson weeks earlier.

55. When Ms. Qualls later inquired what disciplinary action had been imposed on the student S.C. who had racially taunted her son during the restroom incident on March 8, 2022. Principal Jones replied that he could not impose any disciplinary action against this student because “he was in a federally protected class.”

56. On May 12, 2022, Ms. Qualls reported to Assistant Principal Natasha Bice yet another racially-motivated incident involving a Snapchat video published by the same white male student who had called the special education student a retarded nigger. This time, the student published a video with the following photograph taken of the back of his hand where he had written in black ink the words: “**nigger nigger**” and a caption stating that he “wrote it while taking a s\*\*t! This video was shown to K.R. by one of his white student peers.



57. During her conversation with Assistant Principal Bice on May 12, 2022, Ms. Qualls also reported a photograph being circulated by three students at Church Hill Middle School depicting inflated blue vinyl gloves with caricatures drawn on them of the heads of African-Americans. The heads were mockingly assigned African-American-sounding names: “Shaundale”, “Quandale” and “Quandale, Jr.”. The students who made these artifacts posted Instagram videos of them with someone shooting and stabbing the gloves while speaking in Ebonics or what might be termed a blend of racial sounding phonics.

58. Plaintiff alleges, upon information and belief, that the students who engaged in these racially-motivated actions, H.J., S.D. and G.D, were provided by a teacher, Heather Watts, with blue, vinyl gloves and black markers to create these caricatures.

59. On May 16, 2022, a white male student approached K.R. at school and gave him a clothing tag from his shirt which read “100% Cotton”. The student then stated to K.R.: **“Thanks, for picking my shirt this morning, nigger.”**

60. The Hawkins County Board of Education maintains a Student Discrimination and Harassment Policy NO. 6.304 which provides, in part, as follows:

The Hawkins County Board of Education has determined that a safe, civil, and

supportive environment in school is necessary for students to learn and achieve high academic standards. In order to maintain that environment, acts of bullying, cyber-bullying, discrimination, harassment, hazing, or any other victimization of students, based on any actual or perceived traits or characteristics, are prohibited.

This policy shall be disseminated annually to all school staff, students, and parents. This policy shall cover employees, employees' behaviors, students, and students' behaviors while on school property, at any school-sponsored activity, on school-provided equipment or transportation, or at any official school bus stop. If the act takes place off school property or outside of a school-sponsored activity, this policy is in effect if the conduct is directed specifically at a student or students and has the effect of creating a hostile educational environment or otherwise creating a substantial disruption to the education environment or learning process.

Building administrators are responsible for educating and training their respective staff and students as to the definition and recognition of discrimination/harassment.

61. According to this Student Discrimination and Harassment Policy NO. 6.304, when incidents of racial harassment are reported, it is the responsibility of the Principal to investigate and resolve such complaints. The Principal is also obligated under this policy to provide information on district counseling and support services.

#### **School Board Policy 6.304**

The principal or his/her designee at each school shall be responsible for investigating and resolving complaints. Once a complaint is received, the principal or his/her designee shall initiate an investigation within forty-eight (48) hours of receipt of the report.<sup>4</sup> If a report is not initiated within forty-eight (48) hours, the principal or his/her designee shall provide the director of schools with appropriate documentation detailing the reasons why the investigation was not initiated within the required timeframe.

The principal or his/her designee shall notify the parent(s)/guardian(s) when a student is involved in an act of discrimination, harassment, intimidation, bullying, or cyber-bullying. The principal or his/her designee shall provide information on district counseling and support services. Students involved in an act of

discrimination, harassment, intimidation, bullying, or cyber-bullying shall be referred to the appropriate school counselor by the principal or his/her designee when deemed necessary.

62. The Defendant failed to adhere to this School Board Policy and otherwise acted with deliberate indifference to the myriad reports of peer-on-peer racial harassment at Church Hill Middle School.

**V.  
Causes of Action**

**COUNT I**

**Title VI of the Civil Rights Act  
42 U.S.C. §2000(d)**

63. Plaintiff incorporates herein the allegations contained in the preceding paragraphs, and does further allege and aver as follows:

64. The Defendant Hawkins County Board of Education had actual knowledge of repeated acts of racial harassment aimed at K.R., but failed to take appropriate steps to remediate the harm. The Defendant's actions, taken as a whole, demonstrate deliberate indifference to the harassment of K.R. and served to deprive him of access to educational opportunities or benefits provided by the school, in violation of 42 U.S.C. § 2000(d), *et seq.*

65. As a consequence of the Defendant Hawkins County Board of Education actions and omissions K.R. has suffered, and continues to suffer loss of educational opportunities, as well as other pecuniary and economic loss for which he is entitled to judgment.

WHEREFORE, PLAINTIFF DEMANDS:

1. That she be allowed to file this Complaint and that process issue to the Defendant Hawkins County Board of Education requiring it to respond within the time required by the Federal Rules of Civil Procedure;
2. That at the final hearing in this matter, the Court issue an order awarding permanent injunctive relief enjoining and restraining the Defendant Hawkins County Board of Education from any further violation of the K.R. rights under Title VI of the Civil Rights Act;
3. That the Plaintiff be awarded compensatory damages against the Defendant, Hawkins County Board of Education in the amount of \$2,500,000.00;
4. That a jury of six be empaneled to hear and try all issue properly submitted;  
and
5. That the Plaintiff be granted such further general relief as may be appropriate, including attorney fees and costs as permitted under 42 USC§ 1988, *et seq.*

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Amended Complaint was served on the following individuals listed below via the Court's ECF-Filing system on this the 13<sup>th</sup> day of June, 2022.

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